

AMENDED IN SENATE JUNE 6, 2016
AMENDED IN ASSEMBLY APRIL 11, 2016
AMENDED IN ASSEMBLY MARCH 15, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2128

Introduced by Assembly Member Achadjian

February 17, 2016

An act to amend Section 420 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as amended, Achadjian. Marriage.

Existing law allows a member of the Armed Forces of the United States who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of the marriage to enter into that marriage by the appearance of an attorney in fact, commissioned and empowered in writing for that purpose through a power of attorney duly signed by the party stationed overseas and acknowledged ~~by~~ *before* a notary or witnessed by 2 officers of the United States Armed Forces.

This bill would provide that the completion of the power of attorney is the sole determinant as to whether the county clerk's office or State Registrar will accept the power of attorney.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 420 of the Family Code is amended to
2 read:

3 420. (a) No particular form for the ceremony of marriage is
4 required for solemnization of the marriage, but the parties shall
5 declare, in the physical presence of the person solemnizing the
6 marriage and necessary witnesses, that they take each other as
7 spouses.

8 (b) Notwithstanding subdivision (a), a member of the Armed
9 Forces of the United States who is stationed overseas and serving
10 in a conflict or a war and is unable to appear for the licensure and
11 solemnization of the marriage may enter into that marriage by the
12 appearance of an attorney in fact, commissioned and empowered
13 in writing for that purpose through a power of attorney. The
14 attorney in fact shall personally appear at the county clerk's office
15 with the party who is not stationed overseas and present the original
16 power of attorney duly signed by the party stationed overseas and
17 acknowledged ~~by~~ *before* a notary or witnessed by two officers of
18 the United States Armed Forces. Copies in any form, including by
19 facsimile, are not acceptable. The power of attorney shall state the
20 full given names at birth, or by court order, of the parties to be
21 married, and that the power of attorney is solely for the purpose
22 of authorizing the attorney in fact to obtain a marriage license on
23 the person's behalf and participate in the solemnization of the
24 marriage. The original power of attorney shall be a part of the
25 marriage certificate upon registration. The completion of a power
26 of attorney shall be the sole determinant as to whether the county
27 clerk's office and the State Registrar will accept the power of
28 attorney.

29 (c) A contract of marriage, if otherwise duly made, shall not be
30 invalidated for want of conformity to the requirements of any
31 religious sect.